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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,926	06/23/2000	HORST WITTUR	11594-002001	6689

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EXAMINER

FOX, CHARLES A

ART UNIT PAPER NUMBER

3652

DATE MAILED: 06/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,926

Applicant(s)

WITTUR, HORST

Examiner

Charles A. Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other:

Specification

an A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because amendments to the specification^s filed on April 13, 2000 and August 31, 2000 do not agree. No new matter may be entered.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

The abstract of the disclosure is objected to because it contains more than one paragraph. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claim 2 is objected to because of the following informalities:

the last line of claim 2 is confusing, it appears that a word is missing between the words "as" and "element".

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. While the term "special engine" is mentioned in the specification there is no mention as to what a special engine does or does not encompass, therefore the specification is not enabling in regards to this feature.

Claims 3,5, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "said driven or freely rotating deflection sheaves" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 5, the phrase "like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). In the below rejection of claim 5 the claim is treated on the basis of a working face engagement of the guide elements.

In regards to claim 8 it is unclear as to what the applicant is claiming, specifically is applicant is claiming that the sheaves are driven, or a floating axle or a hollow shaft. Clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4-6, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rompa. In regards to claim 1 Rompa (US 3,880,258) discloses an elevator, comprising:
a drive for moving an elevator cabin (1) running in an elevator shaft (6);
a counterweight (7) for moving in an upward and downward direction and being in effective communication with a cable guided over sheaves;
wherein the shaft is constructed of pre-assembled mounting frames and vertical guide elements (4) fixed thereto.

In regards to claim 4 Rompa also discloses that the pre-assembled mounting frames are made of squared sheets. See column 3 lines 19-24.

In regards to claim 5 Rompa further discloses that the vertical guide elements (4) are segmented, and engage at a working face with a tongue (29) mating with a void in a complimentary guide element.

In regards to claim 6 Rompa also discloses that the guide elements (4) are disposed in the area of the mounting frame (6), each respective mounting frame serving as the the connecting elements for the guide segments.

In regards to claim 11 Rompa also discloses that the drive for the elevator is arranged within the shaft (6) of the elevator.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7,9,19-23 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rompa. Claims 7,9,19-23 all deal with the type of drive that provides motive power to the elevator. The specification at page 4 line 22 to page 5 line 3 makes all of the different claimed drive mechanisms equivalent with each other as well as "any other possible drive unit", therefore all of the claims are being treated as equivalent to each other and any other drive unit. In regards to the 102(b) rejection Rompa discloses a drive unit mounted at the top of the elevator shaft.

In regards to the 103(a) rejection, while Rompa does not disclose any of the drive mechanisms of claims 7,9, and 19-23, he does disclose a drive mechanism. It would have been obvious to one of ordinary skill in the art, at the time of invention that the drive taught by Rompa would have been a member of the group of drives belonging to the group consisting of any other possible drive.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rompa as applied to claim 1 above, and further in view of Aulanko et al. Rompa teaches the limitations of claim 1 as above, he does not teach any location for the drive mechanism for the elevator. Aulanko et al. (US 5,429,211) teaches a drive mechanism (6) for an elevator that is mounted within the shaft way (15) and that the bending flabby

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means(3) is deflected by said driving mechanism (6). It would have been obvious to one of ordinary skill in the art, at the time of invention that the drive mechanism taught by Aulanko et al. could have been combined with the apparatus taught by Rompa in order to allow a space savings at the top of the shaft way by eliminating the need for a mechanical room to house the drive mechanism, therein making the system more economical to construct.

Claims 10,14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rompa as applied to claim 1 above, and further in view of Laughlin, Jr. Rompa teaches the limitations of claim 1 as above, he does not teach any particular location for the drive mechanism for the elevator. Laughlin Jr. (US 763,989) teaches an elevator assembly where the driving mechanism (a, a') are located outside of the elevator shafts, he further teaches they are located in a pit off to one side of the elevator shafts.

It would have been obvious to one of ordinary skill in the art, at the time of invention that the drive mechanism location taught by Laughlin, Jr. could have been used with the apparatus taught by Rompa in order to allow for easier maintenance of the drive mechanism by placing it in a location that is accessible.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rompa as applied to claim 1 above, in view of Ericson and further in view of Garrido et al. Rompa teaches the limitations of claim 1 as above, he does not teach the apparatus as having a governor or a disc brake. Ericson (US 5,952,523) teaches an elevator system with a governor pulley (8) to limit the speed of the elevator car. He does not teach the governor as having a disc brake. It would have been obvious to one of ordinary skill in

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the art, at the time of invention to add a governor as taught by Ericson to the apparatus taught by Rompa in order to provide an emergency brake to the apparatus for stopping the car if it travels over a prescribed speed.

Garrido et al. teach a disc brake system (16) for stopping the rotation of a shaft (18) that is attached to the sheave of an elevator. It would have been obvious to one of ordinary skill in the art, at the time of invention that the disc brake taught by Garrido et al. could have been used with the system taught by Rompa and Ericson in order to have a braking system that is light in weight and utilizes a minimum of space, while providing for the stopping needs of the elevator.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rompa as applied to claim 1 above, and further in view of Anzai et al. Rompa teaches the limitations of claim 1 as above, he does not teach an emergency braking system for the elevator. Anzai et al. (4,023,655) teaches a braking system with arms (20) that would act as an emergency brake by engaging a wheel () if the axle (16) were to break.

It would have been obvious to one of ordinary skill in the art, at the time of invention that the braking system taught by Anzai et al. could act as an emergency brake on the system taught by Rompa in order to keep the elevator car from falling if a problem should arise.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rompa as applied to claim 1 above, and further in view of Muller et al. Rompa teaches the limitations of claim 1 as above, he does not teach the drive mechanism as being located on the elevator car. Muller et al. (US 5,636,712) teaches an elevator car (1) with a drive

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mechanism (23), where the drive mechanism (23) is mounted on the elevator car (1). It would have been obvious to one of ordinary skill in the art, at the time of invention that the drive mechanism taught by Muller et al. could have been used on the device taught by Rompa in order to maintain a constant contact pressure by the drive wheels to keep the drive wheels from slipping as they wear.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rompa as applied to claim 1 above, and further in view of Hakala. Rompa teaches the limitations of claim 1 as above, he does not teach the drive unit as being on the counterweight. Hakala (US 5,566,785) teaches a drive mechanism (6) for an elevator that is located in the counterweight (26) for the elevator. It would have been obvious to one of ordinary skill in the art, at the time of invention that the drive system as taught by Hakala could have been used with the system taught by Rompa in order to allow for a reduced size guide means in the shaft as well as decreasing the space needed to house the drive means for the elevator.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rompa and Aulanko et al. as applied to claim 2 above, and further in view of Pearson. Rompa and Aulanko et al. teach the limitations of claim 2 as above, they do not teach the drive belt as being flat. Pearson (1,164,115) teaches a flat drive belt (20) for an elevator. It would have been obvious to one of ordinary skill in the art, at the time of invention that the drive belt taught by Pearson could have been used in the device taught by Rompa and Aulanko et al. in order to have enhanced frictional contact with the driving sheave.

Response to Amendment

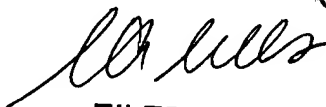
The amendments to the claims and abstract filed on May 02, 2002 have been entered into the record.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Mayer et al. (1916) and Reite et al. (2001).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-4:30 Monday-Thursday and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

caf
June 11, 2002

CAF
6-11-02